

**RECEIVED
CENTRAL FAX CENTER****APR 20 2007**

MARTIN & FERRARO, LLP
ATTORNEYS AT LAW
1557 Lake O'Pines Street, NE
Hartville, Ohio 44632

Telephone
(330) 877-0700

Facsimile
(330) 877-2030

FACSIMILE TRANSMITTAL

TO:

Name: Mail Stop AF
Group Art Unit 3733/Examiner James L. Swiger III

Firm: U.S. Patent & Trademark Office

Fax No.: 571-273-8300

Subject: U.S. Patent Application No. 10/809,149
Gary K. Michelson

Filed: March 25, 2004

**METHOD FOR USING ARCUATE DYNAMIC
LORDOTIC GUARD WITH MOVABLE
EXTENSIONS FOR CREATING AN
IMPLANTATION SPACE POSTERIORLY IN
THE LUMBAR SPINE**

Attorney Docket No. 101.0093-02000

Customer No. 22882

Confirmation No.: 7390

FROM:

Name: Thomas H. Martin, Esq.

Phone No.: 330-877-2277

No. of Pages (including this): 8

Date: April 20, 2007

Confirmation Copy to Follow: NO

Message:**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Transmittal Form (in duplicate: \$500 Notice of Appeal fee), Notice of Appeal, and Pre-Appeal Brief Request for Review with Form PTO/SB/33 are being facsimile transmitted to the U.S. Patent and Trademark Office on April 20, 2007.


Sandra L. Blackmon

If there is a problem with this transmission please call Sandy Blackmon at 330-877-1202 or the sender at the number above.

The information contained in this facsimile message is privileged and confidential information intended only for the use of the addressee listed above. If you are not the intended recipient or the employee or agent responsible to deliver this message to the intended recipient, please do not use this transmission in any way, but contact the sender by telephone.

FORM PTO-1083

Attorney Docket No.: 101.0093-02000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER

APR 20 2007

In re application of:

Gary K. Michelson

Serial No: 10/809,149

Filed: March 25, 2004

For: METHOD FOR USING ARCUATE
DYNAMIC LORDOTIC GUARD WITH
MOVEABLE EXTENSIONS FOR
CREATING AN IMPLANTATION
SPACE POSTERIORLY IN THE
LUMBAR SPINE

Confirmation No.: 7390

Art Unit: 3733

Examiner: James L. Swiger III

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Further to the Reply to Final Office Action submitted March 14, 2007 and Advisory Action dated April 11, 2007, transmitted herewith is a Notice of Appeal in reply to the Final Office Action dated February 26, 2007 the above-identified application.

- ☐ No additional fee is required.
- ☐ Applicant hereby requests a ***-month extension of time to respond to the above office action.
- ☒ Pre-Appeal Brief Request for Review and Form PTO/SB/33 are enclosed.
- ☒ The total amount of \$500.00 to cover the Notice of Appeal fee is to be charged to Deposit Account No. 50-3726.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. **A copy of this sheet is enclosed.**
 - ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
 - ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,
MARTIN & FERRARO, LLP

Date: April 20, 2007

By: Thomas H. Martin
Registration No. 34,3831557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: (330) 877-0700
Facsimile: (330) 877-2030